

## **CHAPTER 11**

### **HEALTH**

#### **11.01 HEALTH OFFICER, DUTIES**

It shall be the duty of the Health Officer:

(a) To enforce and observe all rules, regulations and orders of the Illinois Department of Public Health and all state laws pertaining to the preservation of the health of the people within the city.

(b) To execute and enforce all ordinances of the city relating to nuisances, public health and sanitation.

(c) To enforce and observe all rules, regulations and orders of the Cook County Department of Public Health and all state laws pertaining to the preservation of the health of the people within the city.

(d) To make all necessary sanitary and health investigations and inspections within the city.

#### **11.02 HEALTH OFFICER, COMPENSATION AND ASSISTANCE**

The Police Department shall assist the Health Officer in the performance of his duties when called upon by the Health Officer, the Mayor, or City Council.

#### **11.03 BURIALS**

It shall be unlawful to bury, inter or cremate any human body or any part of a human body in the city.

#### **11.04 VIOLATION OF STATE OR COUNTY LAW**

It shall be unlawful to violate any law, rule, or regulation of the Illinois Department of Public Health or the Cook County Department of Public Health.

#### **11.05 INSPECTION OF SCHOOLS**

The Health Officer shall make regular inspection of all school buildings at least once a year as to their hygienic condition and shall report the result of such inspection to the City Council and to the board having charge and control of such schools, with instructions as to remedy of condition (if any such be found) whereby the health of those in attendance may be impaired or life endangered, that in the event the Health Officer deems it advisable to close any public or private school or schools, he shall report his recommendations to the City Council.

#### **11.06 UNWHOLESOME FOOD**

(a) It shall be unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the city.

(b) All premises used in the sale or storage of food or drink intended for human consumption shall be kept in a clear and sanitary condition. It shall be unlawful to permit any person who is afflicted with a contagious disease to handle any food or drink intended for sale, or for any such person to handle food or drink. All such premises shall be kept free from flies and from vermin of all kinds.

#### **11.07 POULTRY OR ANIMALS**

It shall be unlawful for any person to keep or raise any cattle, hogs, sheep or poultry, or any animal which can be used for food purposes.

## 11.08 HEATING FACILITIES

(a) **Residential Buildings.** Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. at a level of 3 feet above the floor and a distance of 3 feet from the exterior walls in all habitable rooms, bathrooms and toilet rooms. Every owner and operator of any building or guest room on terms, either express or Implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 1 to maintain a room temperature of not less than 65 degrees F. in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 am. and 10:30 p.m. of each day and not less than 60 degrees F. during other hours. The temperature shall be measured at a point 3 feet above the floor and 3 feet from the exterior walls. When the outdoor temperature is below 0 degrees F., the owner or operator shall not be required to maintain the minimum room temperatures, provided the heating system is operating at full capacity, with supply valves and dampers in full open position.

(b) **Nonresidential Structures.** Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 degrees F. during all working hours. The temperature shall be measured at a point 3 feet above the floor and 3 feet from the exterior walls.

## 11.09 RODENT EXTERMINATION, DEMOLITION OF BUILDING

Prior to the demolition or razing of any building or structure located within the city, the owner thereof shall cause the premises to undergo a rodent extermination in a manner and form satisfactory to the Health Officer.

## 11.10 WATER PONDING, EXCAVATIONS, ETC.

(a) **Drainage; Safety Regulations.** All open excavations, including the removal of topsoil, except those excavations or topsoil removals that are referred to in subsections (b), (C) and (d) hereinafter, shall comply with the following conditions:

1. Excavations must provide for complete self-drainage, or
2. In the event self-drainage is not provided, then the following conditions must be met:
  - A. A minimum water depth of 4 feet shall be maintained at all times, and
  - B. All shorelines, within the zone of water level fluctuation, shall be constructed and maintained on a slope of 4 feet horizontal to one foot vertical, or steeper, and where such sloping may result in the creation of a hazardous or dangerous condition, the provision of fencing, exit ramps or stairs, ladders or other safety devices may be required, and
  - C. The topmost berm around such excavation shall be constructed and maintained to permit ready access of, and, shall be continuously available to, light vehicles for purposes of mosquito control, and
  - D. Provision shall be made for prompt and adequate control of all aquatic and semi-aquatic vegetation, and the removal of debris and flottage below the topmost berm.

(b) **Building Excavations.** Those open excavations or removal of topsoil necessary or incident to the construction or installation of buildings, structures or other fixed works shall be excluded from the provisions of subsection (a) provided that in the event such necessary or incidental excavations or areas of topsoil removal are not completely covered within a period of one year after commencing the excavation or removal of topsoil, then such excavations shall be made self-draining or shall be back-filled within 30 days after notification as provided for in Section 11.12.

(c) **Ditches and Culverts.** All ditches and culverts shall be constructed so that they are completely self-draining, and all ditches, culverts and natural watercourses shall be maintained free of debris and other obstructions.

(d) **Septic Tanks.** All septic tanks and seepage systems shall be installed in accordance with the specifications of the Cook County Department of Public Health.

(e) **Ponds and Lakes.** All ponds, lakes or other artificial Impoundments shall be constructed and maintained in a manner to conform with the provisions in subsection (a) above.

(f) **Screening Containers.** All artificial containers and water holding devices so placed that they may hold water for a period of 5 days or longer, unless such containers or devices be tightly covered or screened to prevent the entry of mosquitoes, constitute a public nuisance. It shall be unlawful for any person to maintain on his premises unscreened or uncovered containers or other water holding devices under conditions that permit mosquito larvae or pupae to develop. All such uncovered or unscreened containers or other water holding devices shall be completely drained or the water therein changed at intervals of not more than 5 days between April 1 and October 25, or effective insecticides must be applied to all exposed water surfaces at intervals of not more than 5 days during the above period. The failure to maintain such containers or devices free of mosquito larvae or pupae during the above period constitutes a violation of this section.

(g) **Permit.** A permit shall be obtained from the Building Department for each excavation, construction or installation referred to in his section. Drawings and other information pertaining to compliance with requirements hereinbefore stipulated may be required in application for the permit, and the fee for issuance of the permit shall be determined by the Building Commissioner. In no event shall the fee be less than \$100 nor more than \$1,000.

#### **11.11 WEEDS**

(a) All weeds and underbrush, including those which due to the dissemination of pollen are a menace to health, as well as weeds otherwise injurious to public health or welfare, are hereby declared to be public nuisance.

(b) All such plants shall be cut, pulled, destroyed or chemically sprayed with an effective chemical weed killer by the owner or person in control of said plot of ground at least twice a year, once between May 15 and June 15, and once between July 1 and August 1 of each year. The failure to destroy such plants within the designated periods shall constitute a violation of this section.

#### **11.12 VIOLATION; NOTICE TO COMPLY WITH REGULATIONS**

When the owner or person in control of any property fails to comply with the provisions of Sections 11.10 or 11.11 the Health Officer shall cause service of a written notice upon such owner or person to obtain compliance therewith. The notice shall stipulate the time allowed for full and complete compliance and each day of failure to comply with the notice within the time stipulated therein shall constitute a separate offense.

### 11.13 DISCHARGE OF HAZARDOUS MATERIALS.

(a) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings, except where the context clearly indicates a different meaning:

**Emergency response charges** means any expense for personnel, supplies and equipment involved in responding to an occurrence. Emergency responses include, but are not limited to, firefighting services, emergency rescue services, emergency medical services, hazardous materials response teams, civil defense services, technical rescue teams, public works services, police services, and the services performed by a private contractor responding to an occurrence at the request of the City of Hickory Hills, the Roberts Park Fire Protection District, or the North Palos Fire Protection District.

**Hazardous material** means a substance or material in a quantity and form determined by the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety and property. Hazardous materials include, but are not limited to, hazardous waste, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (49 CFR 172.101), petroleum, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel.

**Occurrence** means any discharge or threatened discharge of a hazardous material.

**Responsible party** means any person or entity owning, controlling, leasing, having custody over, or conducting any activity upon any land, facility, equipment or vehicles, who causes or contributes to an occurrence.

(b) **Responsible Party Liability.** It shall be the duty of any responsible party to reimburse the City of Hickory Hills and any other unit of local government for all emergency response charges relating to an occurrence. The liability of a responsible party shall be joint and severable.

(c) **Responsible Party Charges.** The City of Hickory Hills, and any other unit of local government, shall be reimbursed for its emergency response charges at the following hourly rates: \$125 per hour, or any portion thereof, for fire apparatus, equipment, ambulances or emergency response vehicles; \$75 per hour, or any portion thereof, for other motor vehicles, including police squad cars, responding to the occurrence; and \$35 per hour, or any portion thereof, for personnel. All other charges shall be billed at their reasonable and customary rate. The above hourly charges shall be applicable for calendar year 2006 and shall be increased by 5% per year thereafter.